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COMMISSION ON HUMAN RIGHTS

Forty-eighth session

SUMMARY RECORD OF THE 49th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 2 March 1992, at 10 a.m.

Chairman: Mr. SOLT (Hungary)

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(b) Report of the Special Rapporteur on the sale of children;

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The meeting was called to order at 10.20 a.m.

RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD;

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN;

(c) PROGRAMME OF ACTION FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR;

(d) DRAFT PROGRAMME OF ACTION FOR THE PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY (agenda item 22) (continued) (E/CN.4/1992/45, 54, 55 and Add.1, 71 and 74; E/CN.4/1992/NGO/5, 14 and 32; E/CN.4/1991/51; E/CN.4/Sub.2/1991/41 and Corr.1; CRC/C/7)

1. Mr. SAFARIAN (Islamic Republic of Iran) said that the situation of children was one of the most distressing of contemporary humanitarian problems. Nearly 30,000 children throughout the world died every day from curable illnesses, from malnutrition, and from the lack of adequate drinking water, sanitation and medicines, while millions of others lived in abject poverty and illiteracy. Even more alarming was the recent trend in certain Western and other countries towards the sale of children and their organs as well as the use of children in prostitution and drug smuggling activities.

2. The underlying cause of that problem was not the lack of resources or information but rather the absence of a concrete socio-political strategy based on ideas and methods that had been successfully employed elsewhere. The resources for that effort could be made available by reducing military spending. Indeed, the recent decline in international tensions could contribute to greater cooperation among States in promoting human rights as a whole, and particularly the rights of children, with special emphasis on the education of girls and young women in the developing countries.

3. A significant step in that direction had been taken by the adoption of the Convention on the Rights of the Child by the General Assembly in November 1989 and the broad support which it had received from the international community. His own Government had signed the Convention on 5 September 1991 and had initiated the constitutional process required for its ratification.

4. Moreover, inspired by the noble precepts of Islam, his Government had already attached special importance to the situation of children, who occupied a place of importance in the country's five-year programme for cultural and socio-economic development. He was convinced, however, that a proper environment for the development of children could be provided only if the international community as a whole was committed to peace and socio-economic development.

5. Mr. CUNHA ALVES (Portugal) said that the growing concern of the international community to guarantee respect for the rights of children had been manifested by the broad and enthusiastic support which the Convention on the Rights of the Child had received. In the implementation of the Convention,

there was a need for coordination among the various mechanisms concerned, such as the Committee on the Rights of the Child, the Special Rapporteur and the Working Group on Contemporary Forms of Slavery of the Sub-Commission. The same approach should be followed within the Centre for Human Rights so as to avoid the duplication of activities and to create a large pool of information and greater awareness of the action to be taken by the various mechanisms established.

6. In addition, the Secretary-General should be invited to report to the Commission not only on the status of signatures, ratifications and accessions to the Convention, but also on all actions taken by the United Nations to promote its implementation, such as publications, information and training sessions, and the activities of the Committee on the Rights of the Child.

7. The Committee on the Rights of the Child had an important role to play as a body of independent experts charged with the task of monitoring the manner in which the rights of the child were guaranteed and respected. At its first session, in October 1991, the Committee had clearly manifested its intention to pursue that role in an active and constructive way by means of a fruitful dialogue with States and with organs that were competent in the field of children's rights. The Committee had demonstrated keen interest in developments within the Organization and in the activities of other bodies which might be of relevance to its own work. It was also concerned with creating greater awareness of the Convention and intended to consider, at its second session, the question of the participation of children in armed conflict.

8. Turning to the question of the resources required for the proper functioning of the Committee, he said that his delegation supported the Committee's recommendation that it should hold two sessions each year and that a pre-sessional working group should be established. It also supported the recommendation that the travel costs of experts should be paid in order to permit their participation in a working group of the Committee in 1992.

9. His delegation was deeply concerned about certain reservations entered to the Convention, which represented first and foremost a political commitment on the part of the States parties to respect and guarantee, without discrimination, each of the rights enshrined in the text. The reservations in question were too vague and general and could affect the provisions of the Convention as a whole. In fact, article 51 of the Convention expressly disallowed reservations which were incompatible with its object and purpose. States should be encouraged to withdraw reservations that were contrary to the principles of international law and, in that connection, his delegation supported the decision to include in the agenda of the following meeting of chairpersons of treaty bodies the question of reservations and their legal effects.

10. In his report (E/CN.4/1992/55), the Special Rapporteur on the sale of children reaffirmed certain common concerns and problems involving different forms of child exploitation. He had also adverted to the solutions attempted and progress achieved and had pointed to the need for complementarity between governmental and non-governmental action and between the prevention and the repression of child exploitation. The report recognized the essential value

of promoting and protecting the rights of the child and made general recommendations aimed at preventing the sale of children, child pornography and child prostitution.

11. In that connection, his delegation considered it to be of vital importance to establish a precise legal system that would emphasize respect for and protection of the rights of the child and not merely criminalize actions that violated those rights. An institution that could act in the name of children could play an important role in such a legal system.

12. His delegation also agreed with the recommendation by the Special Rapporteur that training programmes should be established in the field of the rights of the child for those most directly concerned with the interpretation and application of the standards that had been set. In that area, the advisory services of the Centre for Human Rights could play a key role.

13. Lastly, his delegation supported the recommendation by the Special Rapporteur that States should be invited to establish or identify a national mechanism to monitor the situation of the rights of the child, including the sale of children and their exploitation in prostitution and child pornorgraphy.

14. In view of the importance of the Special Rapporteur's work, his mandate should be renewed to enable him to make studies in greater depth of situations such as that of child soldiers, the enforced disappearance of children and their use as donors of organ transplants.

15. Mr. HUSSEIN (Iraq) said that, while welcoming the adoption of the Convention on the Rights of the Child, which had crowned the efforts of the international community to guarantee the protection of the rights of children, he lamented the fact that many countries closed their eyes to what was happening to millions of children in different parts of the world, particularly in Iraq, in violation of the provisions of the Convention. In Iraq, Palestine and other parts of the world, even the right of children to life was being violated.

16. In its economic and political policies and legislation, Iraq had always placed emphasis on the welfare of women and children. In cooperation with organizations such as UNICEF and WHO, free maternal and child care services had been provided, and, despite difficulties, successful programmes had been established to control the infant mortality rate. Those programmes, however, had come to an abrupt end because of the unjust economic blockade and the military aggression against Iraq.

17. The effect of the intense bombing of heavily populated urban areas was indescribable. Millions of children had been affected and were currently exposed to the risk of infection or worse. The only milk factory in the country had been bombed. Food and medical supplies were scarce. The mental anguish endured by the children of Iraq, even those of pre-school age, had led to a rise in the incidence of disturbed behaviour patterns and stunted growth. In fact, two thirds of the children surveyed had said that they would not live to see puberty.

18. The report prepared in October 1991 by United States humanitarian organizations noted that the infant mortality rate had increased four-fold since the end of the war. Another report, prepared by a group at Harvard in March 1991, estimated that 170,000 children would die in 1992 unless the blockade was lifted. Nevertheless, the violation of the rights of the children of Iraq continued, in contravention of the Convention on the Rights of the Child. A third study had even concluded that, if the sanctions were not lifted, the international community would be participating in the crime of genocide against the innocent children of his country.

19. Mr. O'CONNOR (Australia) said that his delegation was encouraged by the very large number of countries that had already become parties to the Convention on the Rights of the Child, and the broad representation among them of different political and legal systems. It urged the Governments that had not yet done so either to sign or to ratify the Convention as soon as possible. However, acceptance of the Convention must be more than a formal commitment, in that it required a continuing plan of action.

20. In Australia, there had recently been vigorous debate in a number of jurisdictions regarding juvenile-justice issues and measures to deal with juvenile offenders. The Federal Attorney General and the Federal Human Rights Commissioner had each emphasized that any measures adopted must comply with the obligations which Australia had accepted under the Convention and other instruments.

21. That requirement was all the more urgent in that the children of Australia's indigenous peoples continued to suffer disproportionate rates of involvement with the juvenile-justice system, as well as disadvantages in respect of health, education and the enjoyment of many other generally recognized human rights. His Government was resolutely committed to redressing those disadvantages.

22. The Convention had already begun to have an important impact on Australian law through the system of courts and tribunals. Two recent decisions of the Administrative Appeals Tribunal, for example, had specifically cited and applied articles of the Convention in relation to the provision of social security benefits for children. His delegation would be particularly interested in any similar developments which members of the Commission might know about in their own legal systems.

23. His delegation wished to emphasize once again the importance of the role of the Committee on the Rights of the Child for the effective implementation of the Convention, and the need to ensure that the Centre for Human Rights had sufficient resources to service that Committee. He welcomed the Committee's recognition of the importance of cooperation with UNICEF and other relevant United Nations agencies and also, in particular, with non-governmental organizations. Also noteworthy was the Committee's indication that the preparation and follow-up of reports should involve a comprehensive review of national law and practices regarding children, including the widest possible community participation.

24. In that connection, his delegation also welcomed the report on the sale of children (E/CN.4/1992/55) submitted by the Special Rapporteur appointed in accordance with Commission resolution 1990/68. That report provided a valuable conceptual framework for analysing the various forms of exploitation of children in both developed and developing countries, and his delegation agreed with the Special Rapporteur's view that the problem of the exploitation of children must be addressed by a whole range of legal, social and economic measures.

25. Ms. WIJONO (Indonesia) said that she was pleased to report that her country had become an early signatory to the Convention on the Rights of the Child, which it had been able to ratify within a matter of months, since it was in keeping with Indonesia's legislative and constitutional provisions. Having accepted the legal and moral guidance offered by the Convention, Indonesia would continue its long-standing commitment to children's welfare.

26. Her delegation also welcomed the convening of the first session of the Committee on the Rights of the Child in 1991. The groundwork had been laid at the first session for the guidelines for reporting procedures, and a pre-sessional working group would ensure timely consideration of those reports by the Committee. The coming year was particularly important in that it was the first year that country reports would be submitted for consideration.

27. Indonesia's activities at the national level incorporated ongoing development programmes for children and initiatives stemming from the Convention and from the World Summit for Children. In 1991, the World Health Organization had honoured the President of her country with an award in recognition of the tangible results achieved by his Government in the development of health care and, in particular, its successful nationwide child immunization programme.

28. Follow-up programmes were also being undertaken to monitor the promotion of child welfare in the 27 provinces of Indonesia, and a working group on the promotion of child welfare had been convened at the national level for the purpose of identifying indicators which would serve to measure the factors affecting child welfare. Regional authorities had subsequently taken action to disseminate the relevant information, which would be included in a report on the situation of children in Indonesia, scheduled for publication in March 1992. A network for cooperation had been established among the States members of the Association of South-East Asian Nations (ASEAN) to implement the Convention on the Rights of the Child.

29. In addition to addressing the issues of child health and physical development, Governments should also make efforts to ensure that children were able to develop in a safe environment, free from exploitation. If, for whatever reason, children had to work, it should be at a level consistent with their physical and mental development. Her Government's policy in that regard was reflected in its labour legislation, which stipulated that children under 14 years of age were prohibited from working. Compulsory education also had an impact on the number of children entering the workforce. However, child labour could not be eliminated solely through legislation, and low levels of socio-economic development and the overwhelming need for family and personal security had compelled children in all parts of the world to work.

While it could not be condoned, that reality could not be ignored, and her Government had therefore taken additional measures to provide facilities for children who were obliged to work so that they could acquire the education they needed to help themselves.

30. In that context, her delegation welcomed the establishment by the International Labour Organisation (ILO) of an International Programme on the Elimination of Child Labour (IPEC), the objective of which was to minimize the impact of the problem, if not to eradicate it. Indonesia was a potential participant in the programme, which would be implemented there in the form of projects administered by non-governmental religious organizations in three or four urban areas.

31. Her Government expressed its appreciation to the Government of Germany for its financial contribution to IPEC, and called upon other Governments with a strong commitment to the abolition of child labour to follow suit.

32. Attention should be focused on the longer term, beyond the mere survival of the child: in the latter regard, considerable success had already been achieved with immunization programmes and the international community was henceforth in a position to turn its attention to the critical need to secure a quality of life for children that would form the foundation for a future world free from despair and want.

33. Mr. SENE (Senegal) said that the Convention on the Rights of the Child represented a considerable advance on earlier international instruments that affected children's rights in that it made States parties officially accountable for all their actions with regard to children. It was thus more binding and more comprehensive in scope, and it was to be hoped that States ratifying the Convention would meet the obligations they had freely undertaken.

34. However, the acceptance of an obligation was only one aspect of the problem, and the implementation of the rights of children would no doubt continue to give rise to difficulties for a long time to come. Implementation of the Convention in each country would require the introduction of a legal, political and social framework to ensure that the specific features of that particularly vulnerable segment of the population were duly taken into account.

35. In addition to the long-standing hazards of disease, hunger, poverty and ignorance, recent years had seen the emergence of new and more pernicious threats to the welfare of children in the form of the trafficking in and sale of children or their transplanted organs, child prostitution and the exploitation of child labour. Again, what was required was concerted international action based on an appropriate and effective legal and political framework. In addition to such a framework, political action must be taken at the national level to ensure greater protection of children by tackling the underlying causes of their exploitation. In that connection, the Declaration adopted at the World Summit for Children in 1990 provided useful guidelines for a programme of action outlining the objectives to be achieved during the coming decade.

36. In conclusion, he welcomed the positive results achieved at the historic Summit of First Ladies held at Geneva on 25 and 26 February 1992, under the auspices of the International Fund for Agricultural Development, on the topic of the economic advancement of rural women. Emphasis had rightly been placed at that Summit on the need to improve educational, health and nutritional standards for mothers and their children.

37. Mr. ROA KOURI (Cuba) said that recent years had seen the emergence of trends in respect of human rights, and especially the rights of children, which could only be described as monstrous from an ethical point of view: they included the sale of children, assassinations of children and adolescents, participation of children in drug trafficking, child drug addiction, sale of children's organs, prostitution of children and their exploitation in pornography and for sweated labour.

38. The Commission and the Sub-Commission on Prevention of Discrimination and Protection of Minorities had, albeit belatedly, begun to address those issues, which were fraught with immense destructive potential for many societies in the world, but much greater attention would obviously have to be paid to them in future. His delegation would make practical proposals to that end in connection with the Commission's programme of work.

39. The element of complacency prevalent in certain developed countries tended to obscure the scale of those problems, and the "free press" and other media in Europe often ignored the terrible realities of children's lives in the greater part of the world, preferring instead to dwell on the values and amenities of consumer society. It should not be forgotten that, during the five weeks of the Commission's current session alone, some 1,250,000 children throughout the world would have died as a result of malnutrition and inadequate health care.

40. There was no doubt that the "free market" concept underlying the allegedly new world order that was coming into being could not but exacerbate such problems: in the consumer society, children and adolescents themselves were reduced to the status of commodities.

41. The most recent UNICEF report on the situation of the world's children, issued at the end of 1991, would come as a shock to the advocates of a consumer paradise, as would the report (E/CN.4/1992/55) of the Special Rapporteur on the sale of children. The UNICEF report indicated, for example, that 13 million children perished annually, mainly in underdeveloped countries, for want of vaccines, proper nutrition and health care. The ultimate causes of that deplorable situation lay in the economic and social conditions prevailing in the countries of the South, and in particular their crushing burden of debt, which in effect was being borne by their children. The cuts in public expenditure imposed on the third world by the international financial institutions had led to extreme hardship in the poorer strata of the population.

42. Nor were such problems confined to the underdeveloped countries. In the United States of America, as a result of the adoption of neo-conservative economic policies, infant mortality among the poor had risen sharply.

43. In his report, the Special Rapporteur rightly stressed the close relationship between the problems he had outlined and the lack of opportunities for education and employment. His delegation also agreed with the Special Rapporteur's observation, in paragraph 7 of his report, that "socio-economic needs, particularly in developing countries, may lead parents to sell their children or to compel children to undertake activities which are detrimental to their development". He had not hesitated to point out (paras. 14-16) that the law of supply and demand - which was a fundamental principle of capitalism - also applied to the exploitation and sale of children, and in particular to the situation in which impoverished parents in the countries of the South sold their children for adoption by foster-parents in the wealthier countries of the North. In the same context of "demand", the capitalist system had led to the phenomenon of sexual tourism and the attendant growth of child prostitution and pornography.

44. With all due modesty, his delegation felt entitled to assert that Cuba had made considerable progress in promoting the welfare of children, particularly in the fields of education, nutrition and the reduction of infant mortality. According to a 1991 UNICEF survey, only 24 countries had a lower basic infant mortality rate (mortality between the ages of one and five) than Cuba, which was one of the leading three countries of the South in that aspect of public health. Its position in respect of literacy (94 per cent) and completion of primary education (91 per cent), and also in terms of life expectancy (76 years), was in no way inferior to that of the industrialized countries, despite the economic, financial and trade blockade imposed by the United States.

45. Cuba was a party to the Convention on the Rights of the Child, which his Government considered to be an effective instrument in the fight for children's rights that had to be waged. Cuba was also a party to the ILO Convention concerning Minimum Age for Admission to Employment (Convention No. 138) and his Government considered that the exploitation of child labour was an evil that could be dealt with only through adequate national policies and a more just international economic order. To that end, it favoured the adoption of an urgent programme of action since, as stated in the general comments on the draft programme of action, generations of children should not be condemned to exploitation until poverty was overcome.

46. Mr. SWEPSTON (International Labour Organisation) said that, in the past year, ILO had intensified its ongoing work with regard to the protection of children and had also undertaken new initiatives. It was, of course, concerned primarily with the abolition of child labour and the improvement of the situation of young people who did work.

47. ILO welcomed the increased support for the Convention on the Rights of the Child, as demonstrated by the more than 100 ratifications already registered. It had taken part in the discussions leading to the Convention's adoption and had participated in the first meeting of the Committee on the Rights of the Child. There was considerable intersection between ILO standards and the Convention. His organization had identified nearly 60 ILO Conventions that were related to the new United Nations Convention. The first priority was therefore to initiate exchanges of information and to ensure that the supervisory procedures were mutually reinforcing.

48. ILO had noted with interest the considerable attention given in the report of the Special Rapporteur on the sale of children (E/CN.4/1992/55) to the question of child labour, which was closely tied to the sale of children. The extremely important question of debt bondage for children was also mentioned in the report, together with a number of other concerns which ILO shared with the Special Rapporteur, the Working Group on Contemporary Forms of Slavery, the Sub-Commission, the Commission, and the Committee on the Rights of the Child.

49. ILO also noted with interest the report of the Secretary-General on the draft programme of action for the elimination of the exploitation of child labour (E/CN.4/1992/45). It welcomed the United Nations concern in that field and was prepared to continue its active cooperation with any organization that wished to combat the evil of child labour. It also noted the recommendations made to the ILO, which for most part reinforced ILO's commitment to actions already under way.

50. The ILO programmes referred to in paragraphs 81 and 82 of the report drew both on the Organisation's own resources, to reorient and focus its activities so that they might be reintegrated into the regular programme in the most efficient and effective way, and on resources coming primarily from a special grant by the German Government, for which his delegation wished to reiterate its appreciation. Both programmes were focused on finding and applying practical solutions for the elimination of child labour. One example was the intention of ILO to convene a seminar on the elimination of child bonded labour, in close cooperation with the Centre for Human Rights, selected Governments and non-governmental organizations. The seminar was intended to devise practical solutions to the problem and specific proposals for action at the national and international levels. In addition, ILO planned to hold a world congress on the elimination of child labour, probably in November/December 1993.

51. The draft programme of action for the prevention of the sale of children, child prostitution and child pornography involved questions that were examined closely and regularly by ILO's Committee of Experts on the Application of Conventions and Recommendations, as aggravated types of child labour and forced labour. They were among the highest human rights priorities of ILO, and the Working Group on Contemporary Forms of Slavery was informed regularly of the work of the ILO supervisory bodies in that regard.

52. The importance given to the elimination of child labour was amply illustrated by the considerable volume of material on the subject, much of it overlapping or repeating information contained in other documents. It was to be hoped that the Commission would give some thought to the potential for conflict inherent in the multiplicity of activities and that it would be possible to concentrate the efforts of each organization in the system to the greatest possible degree.

53. Ms. KIPP (Observer for Sweden), speaking on behalf of the delegations of Denmark, Finland, Iceland and Norway as well as her own, said that no other human rights instrument had gained such rapid and widespread support as the

Convention on the Rights of the Child, which had entered into force in record time and had already been ratified or acceded to by 109 States. That was convincing testimony of the will to accord high political priority to the world's most precious and vulnerable resource, its children.

54. While children, like all human beings, were protected by international human rights law in general, the Convention had integrated the rights of the child into one document, developing them according to the special needs and interests of children. The great susceptibility of children to abuse and exploitation lent special urgency to the protection and promotion of their rights.

55. The Convention must be viewed as an important supplement to the International Bill of Human Rights. All States parties had undertaken to respect the fundamental principle of the Convention that the individual child, without discrimination, was the bearer of the rights contained in the Convention. The best interests of the child should be a primary consideration in all actions concerning children. In that context, the Nordic countries were seriously concerned that some of the reservations made to the Convention ran counter to its very purpose and they would object to those that were incompatible with the fundamental principles and intention of the Convention.

56. Unfortunately, the increasing number of States parties had not led to a corresponding decrease in the number of alarming reports of violation of the rights of the child. The Nordic countries endorsed the recommendation by the Committee on the Rights of the Child that the technical assistance and advisory services programme of the Centre for Human Rights should be strengthened so as to supply training activities on the national level regarding the implementation of the Convention.

57. The Committee on the Rights of the Child had held its first regular session at Geneva from 30 September to 18 October and, after considering the enormity of its task, had appealed to the General Assembly for further resources so that it could carry out its functions effectively. In the view of the Nordic countries, the United Nations had a clear duty to ensure that the Committee became an effective instrument for the protection and promotion of the rights of the child. It would be a paradox if the very success of the Convention in terms of the number of ratifications and accessions paralysed the Committee's work.

58. In its resolution 46/112, the General Assembly supported the Committee's proposal to organize its work on the basis of two sessions per year and to establish a pre-sessional working group for the preliminary review of reports from States parties. The General Assembly also requested the Secretary-General to consider favourably the possibility of enabling a working group of the whole of the Committee to meet in 1992. However, full funding for that meeting was still not guaranteed. The Nordic countries considered that the additional US$ 25,000 to cover travel expenses must be made available.

59. The Nordic countries wished to emphasize the fundamental importance of respecting the physical integrity of children, whether street children or those well-established in society. They unequivocally condemned all kinds of

exploitation of children, such as the sale of children, child prostitution and child pornography as well as the exploitation of child labour. Experience had shown that legislation was not in itself sufficient.

60. That point had been made very clear in the report submitted by the Special Rapporteur (E/CN.4/1992/55), whose detailed analysis merited full attention, particularly when he demonstrated how the different forms of exploitation of children were inherently interlinked and transnational. Thus, child prostitution in one country was supported by sex tourism from another. Clearly, efforts to combat the evil must be directed both to the "supply" and the "demand" side of the problem, involving both Governments and the private sector.

61. The Nordic countries endorsed the Special Rapporteur's recommendations indicating the need for a broad range of measures to safeguard the rights of the child. Child prostitution and pornography and the sale of children should be studied also in the context of child labour and child soldiers. If necessary, the mandate of the Special Rapporteur should be amended accordingly.

62. The age-limit in the First Additional Protocol to the 1949 Geneva Conventions and in article 38 of the Convention on the Rights of the Child regarding participation in hostilities should be revised from 15 to 18 years of age.

63. The country studies of the Netherlands and Brazil had proven very useful in providing a firm basis for the Special Rapporteur's recommendations. One example was the need for education and re-education of personnel in the judicial system, particularly law enforcement officials, to make them aware of the obligations imposed by the Convention. The Nordic countries encouraged the Special Rapporteur to pursue his work according to the methodology chosen and to continue his practice of field visits.

64. Directly related to the right of the child to protection of the integrity of his or her body were problems arising from harmful traditional practices affecting girls. In that connection, she referred to article 24 of the Convention, which implied action against female circumcision at the national level, for instance, in terms of legislation, education and information. Moreover, it called for the involvement of the international community.

65. In conclusion, she said that full respect for the provisions of the Convention required a massive effort at the international and national levels by Governments and non-governmental organizations and by the private sector to give priority to the interests of the child.

66. Mr. PALACIOS SERRANO (Observer for Spain) said that children constituted one of the weakest social groups and the one least able to defend itself against the violations of its human rights. For that reason, every society which valued liberty, justice and human dignity should begin by ensuring respect for the rights of its youngest members. It should not be forgotten that children constituted nearly half of the world's population and would be the persons responsible in the future for creating a fairer and more human social order.

67. Since the adoption by the General Assembly in 1959 of the Declaration on the Rights of the Child, the world had changed considerably. The international community had become aware of the importance of the rights of the child and the unanimous adoption of the Convention on the Rights of the Child by the General Assembly constituted a most important step towards its universal acceptance. In that connection, it was heartening that more than 100 countries, including Spain, were already parties to the Convention. His delegation supported the work of the Committee on the Rights of the Child, which was undoubtedly the most appropriate body for the exchange of ideas and the search for solutions within the framework of the Convention.

68. As pointed out by the Special Rapporteur in his report to the Commission (E/CN.4/1992/55), children were the passive subjects of violence in three ways: personal violence in the form of physical or mental damage; domestic violence, as a result of the disintegration of the family; and social violence, inasmuch as the basic living conditions of children were affected. In no other sector of society was there such a clear connection between civil and political rights and economic, social and cultural rights. Although the violation of those rights did not fall exclusively within a given group of countries, they implied the need to adopt socio-economic measures in the fields of education, health, employment, etc., that would make it possible to improve the unfortunate situation of children in many parts of the world.

69. The Commission should take a firm decision to put an end to the murder of street children. Those acts were carried out with impunity because, in the absence of any family or social support, the death of a street child was of no importance to anyone. It was therefore for the international community and the Commission to denounce those dreadful acts and to demand justice on behalf of those children.

70. Of particular concern to his delegation was the painful reality of child pornography and prostitution as well as the sale of children, organ transplantation and exploitation of child labour. The eradication of those practices required firm action at both the national and international levels. However, the responsibility for those practices should not be borne exclusively by those societies which, because of their particularly difficult conditions, might be less inclined to guarantee the protection of some of their children. Equally guilty were those that, although enjoying better material conditions, made possible and in some cases fostered the violation of the essential rights of the child.

71. In conclusion, he wished to make specific reference to children who were victims of terrorism or relatives of victims of terrorism. In both cases, those acts of indiscriminate violence violated the most essential rights of the child and, in particular, the right to become an adult who was physically and psychologically normal, free of hatred or prejudices.

72. Mr. DAVIES (Defence for Children International) said that the time had come for the States parties to the Convention to turn their attention to the difficult task of its implementation. Given the large number of States parties and the broad range of rights recognized in the Convention, the Committee on the Rights of the Child had decided that two regular sessions

per year would be necessary. His organization strongly supported that decision and urged that the Committee should be given all the assistance and support it had requested.

73. Non-governmental organizations had made a concerted effort to provide the Committee with "expert advice" pursuant to article 45 of the Convention. His organization would continue to do its utmost to provide advice and assistance to the Committee and, upon request, to the States parties.

74. UNICEF had made a valuable contribution to the campaign for ratification of the Convention and to the work of the Committee. However, no one United Nations organ had the expertise and resources required. Some United Nations bodies had shown considerable interest in cooperating with the Committee, such as ILO and the World Food Programme. However, other agencies, which had a major impact on the rights of children, such as UNESCO, the World Bank and the International Monetary Fund, had not been represented at the first session of the Committee. It would be useful if the Commission could encourage all relevant United Nations bodies to cooperate fully with the Committee.

75. The reservations entered by some countries to the Convention were so broad and general as to raise doubts as to whether the States concerned had actually become States parties. In that connection, he referred to the reservations entered by Djibouti, Indonesia, Pakistan and Myanmar. Three other States (Afghanistan, Islamic Republic of Iran and Mauritania) had made similar statements when signing the Convention, although they had not yet become parties.

76. The Government of Germany had submitted to the national legislature in 1991 a draft declaration which referred, inter alia, to articles 2, 3 and 5 of the Convention. A declaration restricting the scope of those key provisions would be incompatible with the object and purpose of the Convention, and representations to that effect had been made to the Government in question. He understood that some amendments had been made to the draft declaration, which had not yet been deposited.

77. Reservations concerning the Convention as a whole rather than specific articles seriously eroded the competence of the Committee on the Rights of the Child, which would be unable to know within any degree of certainty what provisions of the Convention were affected by the reservations. Whenever the Committee became aware of a practice which it considered incompatible with some provision of the Convention, the State concerned might take the position that it was covered by the reservation and the Committee, the competence of which was limited to the Convention itself, would be unable to form an independent opinion on the State party's own interpetation of the effect of its reservation. Such a situation would seriously prejudice the ability of the Committee to fulfil its monitoring functions.

78. Unless those reservations were withdrawn, it might be necessary to clarify their status before the Committee examined the reports of the States concerned. The Commission should therefore call upon States that had made reservations to the Convention to consider withdrawing them, in particular reservations concerning the Convention as a whole.

79. He noted that, for the past six years, a paragraph calling upon States parties to review their positions regarding reservations to human rights treaties had been included in the Commission's resolutions on the status of the International Covenants on Human Rights. There was no reason to assume that States having entered such reservations could not find other ways of reconciling the paramount principles recognized by their national law with their obligations under the Convention and under international law.

80. Kuwait, for example, had formulated a reservation, when signing the Convention, to "all provisions of the Convention that are incompatible with the laws of the Islamic sharia and the local statutes". The Czech and Slovak Republic had objected that the reservation was incompatible with the object and purpose of the Convention and, at the moment of ratification, it had been replaced by a much narrower reservation affecting only the articles of the Convention concerning nationality and adoption.

81. One article that had been the subject of several reservations or declarations concerned armed conflict. It would be recalled that, during the second reading of the draft Convention in December 1988, one country - the United States of America - had opposed the consensus on raising the minimum age-limit for participation in armed conflict to 17 or 18 years of age. That country, unfortunately, was one of the few which had not only failed to ratify but had not even signed the Convention. There was little doubt that the number of soldiers between 15 and 18 years of age who had died in armed struggle since the adoption of the Convention must have been in the hundreds at least.

82. It would be Utopian to suggest that higher international standards might have saved their lives or spared their suffering. However, he thought that the NGOs which had participated in the drafting of the Convention and most government participants felt deep shame at the knowledge that the Convention they had fashioned condoned the destruction of those young lives. His delegation thus appealed to the States parties to the Convention to give serious consideration to initiating the process for amending the Convention in order to prohibit the recruitment and participation in armed conflict of all children without exception.

83. Mr. SRISODAPOL (Observer for Thailand) said that, in connection with the report submitted by the Special Rapporteur on the sale of children (E/CN.4/1992/55), he wished to draw the Commission's attention to the information submitted by his Government to the Working Group on Contemporary Forms of Slavery at its sixteenth session concerning its views, policies and efforts in addressing the problems of traffic in persons and the prostitution of children.

84. In the case of prostitution, the problem was compounded by international factors whereby women and children were constantly victimized by syndicates, the networks and operations of which transcended national boundaries, in order to satisfy international demand. In Thailand, for example, Thai and Western mass media had reported cases involving foreigners who had organized "sex tours" in Thailand for foreign tourists to gratify their sexual fantasies through the exploitation of women and children from Thailand, from countries

within the region, and from as far afield as Europe and Latin America. Those tours had given his Government cause for further concern in view of the spread of AIDS within the country. A number of Thai women had, moreover, been lured into prostitution in other countries.

85. All of those problems had been alluded to by representatives of non-governmental organizations, whose continued vigilance, directed against transnational organizations of the sex trade and the foreign demanders of sexual gratification, was a welcome trend towards greater objectivity in the consideration of that worldwide problem.

86. Despite the progress made in economic development and the relatively high rate of literacy in his country, problems associated with child labour and prostitution persisted because of a host of socio-economic factors, including poverty, inadequate education and the break-up of the family unit due to internal migration.

87. Attempts had been made to solve the problems of child labour and prostitution in Thailand through legislative action, law enforcement activities and a variety of socially oriented programmes. Successive Thai Governments had increasingly sought and received cooperation from local and foreign non-governmental organizations, the private sector and the media in combating those problems and raising public awareness of the issues involved.

88. His Government was also implementing long-term measures aimed at increasing access to education, reviewing the minimum employment age and protecting child labour. It had also undertaken to adopt policies to ensure a more equitable distribution of income, particularly in rural areas and to devise job creation programmes.

89. In conclusion, his delegation expressed its support for the Special Rapporteur's recommendation that strategies to tackle the problems of sale of children, child prostitution and child pornography should be multidisciplinary, interconnected and integrated. His delegation would bring the report to the attention of his country's appropriate authorities for their careful consideration.

90. Mr. MANCHAI (International Federation of Social Workers) said that the Centre for the Protection of Children's Rights (CPCR), based in Bangkok, Thailand, was a non-governmental organization providing protection, temporary shelter, child welfare, rehabilitation and legal advocacy for children up to 16 years of age whose rights had been violated.

91. He gave as an example the case of a rescue operation in which CPCR had been asked by the Crime Suppression Division Police to take care of a 13 year old girl rescued from a brothel. The girl's family had been deceived into handing her over to an agent who had later sold the child to the brothel. As a result of the information supplied by that girl, the three persons operating the brothel had been arrested and 11 other girls under the age of 16 had been taken to CPCR's rehabilitation home. All of them had been detained and forced into prostitution by beatings and ill-treatment. Of the 12 girls, 11 were found to be HIV-positive. Subsequently, three more agents were arrested and evidence uncovered showing that the local police had profited from the business.

92. Some 70 per cent of the girls rescued by CPCR came from the north of Thailand, particularly from the hill tribes of that region. As preventive measures, CPCR had organized education and training programmes for the girls from various hill tribes in the north. It also organized visits to and information campaigns in the area. Local radio programmes in the dialects of the ethnic minorities had been used to disseminate information on child prostitution and AIDS to 40 target villages.

93. Since 1989, 24.9 per cent of the girls rescued by CPCR had tested HIV-positive. The Centre treated the infected children with special care and understanding and, with the support of a special medical team from the hospital, a counselling programme had been organized.

94. The rapid growth of the child prostitution industry in Thailand meant that young girls were being brought there from the neighbouring countries of Burma, China and Laos. It was a practice that was growing at an alarming rate. Owing to language and culture differences, those girls were particularly scared and vulnerable. Due to the appalling human rights situation in Burma and the lack of non-governmental organizations there, it was left to the organizations in Thailand to help the Burmese girls. There had been allegations that HIV-positive girls repatriated directly to Burma by the police might face execution.

95. There was also trafficking in children between Thailand and Yunnan province in southern China. CPCR provided temporary shelter and counselling for Chinese girls who had been rescued, and worked with the Chinese Embassy to arrange for the girls' repatriation. The Centre had visited some families in China and had met the local Chinese authorities in Yunnan. They had been invited to come and see the work of CPCR and had accepted the invitation.

96. CPCR called upon governmental and non-governmental bodies alike in the countries where child prostitution was a problem to undertake joint research, exchange information and work together closely in order to eradicate the trafficking of children and prostitution rackets across borders.

97. Mrs. RUESTA DE FURTER (Venezuela) said that the report of the Sub-Commission's Working Group on Contemporary Forms of Slavery on its sixteenth session (E/CN.4/Sub.2/1991/41 and Corr.1) contained some valuable material relevant to the current agenda item. The Commission had before it two of the recommendations made by the Working Group: a draft programme of action for the prevention of the sale of children, child prostitution and child pornography, and a programme of action for the eradication of the exploitation of child labour. Her delegation was a sponsor of the resolution corresponding to those recommendations and hoped that it would be adopted by consensus.

98. The report submitted by the Special Rapporteur on the sale of children (E/CN.4/1992/55) showed that the phenomenon of the sale of children was far more widespread than might appear at first glance. Her delegation particularly appreciated the approach to "supply and demand" and the "pluridisciplinary approach" in the report. It also agreed with the broad interpretation of sale of children to include the traffic in children.

99. The chapter on adoption for commercial purposes was to be particularly welcomed since, in an adoption in which profit was more important than the interests of the child, the child suffered greatly and violations of fundamental human rights could result. Unfortunately, article 21 of the Convention on the Rights of the Child on the subject of adoption had never been revised, as suggested by the Sub-Commission, and was open to many different interpretations.

100. Her delegation had also appreciated the approach of the chapter on the exploitation of child labour and the attention given to the extremely serious problem of organ transplantation and other forms of the sale of children.

101. With regard to child soldiers, her Government agreed with the Special Rapporteur that article 38 of the Convention on the Rights of the Child should be amended to raise the threshold age for recruitment into the armed forces from 15 to 18.

102. The chapters on child prostitution and child pornography were of immense importance. In that connection, the draft programme of action prepared by the Working Group on Contemporary Forms of Slavery was of particular relevance. The Special Rapporteur had, quite rightly, pointed out that child pornography had acquired critical importance since the problem had been transnationalized and had become a multimillion dollar business.

103. Her delegation thought that all the ideas contained in the report and its observations and recommendations could well be discussed by the Special Rapporteur with members of the Working Group on Contemporary Forms of Slavery. Consequently, her delegation was in favour of extending the mandate of the Special Rapporteur and making a formal request to the Secretary-General that he should invite the Special Rapporteur to take part in the work of the Working Group.

104. With regard to the status of the Convention on the Rights of the Child, her delegation had been pleased to note the number of countries which had ratified the Convention so rapidly. However, it wished to express its concern about certain reservations which, it thought, might distort the aim of the Convention, in particular reservations to that part of article 37 which prohibited torture, the death penalty and imprisonment.

105. Her delegation hoped that, at a future meeting of the States party to the Convention, article 21 would be the subject of a considered review, since its subsections B and C could make the child the object of trade and that was unacceptable. It also hoped that the minimum age for military recruitment (article 38) could be raised to 18 years, to bring it into line with the provisions of other international standards.

106. She agreed with several preceding speakers that a Committee of 10 persons was not sufficient as a mechanism for implementing the Convention on the Rights of the Child. An appropriate review of the various legal systems in those countries which had ratified the Convention clearly required a greater number of experts per region. The implementation machinery for the International Covenant on Civil and Political Rights might serve as an example.

107. For the sake of good order, that part of article 27 of the Convention which defined the best interests of the child should, in any future revision of the Convention, be transferred to article 3, where it was stipulated that the best interest of the child should always be paramount in implementing the Convention.

108. Mr. PEREZ (International Association of Educators for World Peace) said that the international community was particularly outraged when the rights of a child were violated. When a child was denied its rights, it became the concern of mankind in general and the Commission in particular. Articles 9 and 10 of the Convention on the Rights of the Child stressed the importance of keeping families together. For that reason, he appealed to the Commission and to the international community for help to remedy the tragic situation of his own two children, aged 4 and 9, who were being held hostage by the Government of Cuba in order to punish him. Although his wife and children had never criticized the Government and had no political affiliations, they had been denied exit visas to join him where he was living.

109. Moreover, in contravention of both the spirit and the letter of article 14 of the Convention, his children were being indoctrinated by the educational system of the country in which they lived.

110. On behalf of all other children held hostage by the Cuban authorities because of the actions of their parents, he appealed to the Commission to recognize the right of all children to be truly free and live with their families. Finally, he wished to refer to the statement made to the Commission on the subject of children by Mrs. Castro, member of the Council of State of the Republic of Cuba and Chairperson of the Committee on Women's and Youth Affairs of the National Assembly of People's Power and wife of the man who was holding his own children as hostages ....

111. Mr. ALFONSO MARTINEZ (Cuba), speaking on a point of order, said that the speaker should confine himself to the agenda item under consideration.

112. Mr. PEREZ (International Association of Educators for World Peace) said that Mrs. Castro had appealed to the international community to resolve problems concerning the family, women and children. It was a great pity that her words were not reflected in the factual situation in Cuba.

The meeting rose at 1 p.m.